

**Bronx County Supreme Court
COMPLIANCE CONFERENCE ORDER
Part IA-11**

E

Present:

Douglas
MARISOL JAVIER, as mother &
natural guardian of ANGEL JAVIER,
AND MARISOL JAVIER, INDIVIDUALLY

Index No. 25643, 2015 (E)

Plaintiff(s),

- against -

HHS - Leadership Charter School
Defendant(s).

Date RJF filed: 1/11/16

UPON the Preliminary Conference Order dated 2/25/16, and following a Compliance Conference held on 8/25/16, and it appearing that disclosure was previously ordered herein and has not been completed, or that additional disclosure is warranted, it is hereby

ORDERED that disclosure shall proceed and be completed in accordance herewith; and it is further

ORDERED that proceedings directed herein shall be completed on or before the dates set forth. No adjournments, postponements or alterations of this order are permitted without the court's written approval, and none may be had upon the stipulation of the parties alone; and it is further

ORDERED that disclosure demands now known to be necessary which are not raised at this conference are deemed to be waived, unless otherwise ordered by the Court; and it is further

ORDERED that any statutory stays of disclosure due to the pendency of motions pursuant to CPLR §§ 3211, 3212 and 3213 are vacated; and it is further

ORDERED that any parties failing to appear at this conference shall be bound by the terms of this order; and it is further

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ORDERED that the outstanding discovery shall be provided as follows:

1. **INSURANCE COVERAGE:** *PROVIDED* To be provided by _____

2. **BILL OF PARTICULARS:** A. Response to be provided by _____;
 Dated: 8/17/16 B. Supplemental Bill of Particulars as to items:

PLAINTIFFS TO SERVE
 Supplemental Bill of
 Particulars w/in 30 day:

25 Supplemental Bill
 of Particulars to # 27 &
 29 DEFENDANT'S DEPOSIT

3. **AUTHORIZATIONS:**

To be served by DEFENDANT W/in 30 days of PLAINTIFFS DEPOSITIONS.
C. D & I by _____ to be served by _____;
D. Responses to _____'s D & I dated _____ to
 be served by _____;

A. For Medical Records (specifically for MOTHER).

Psychological Record DEFENDANT
 to be served by Plaintiff TO BE ADVISED

B. Authorizations for Plaintiff's:

____ Employment Records;

____ W-2 Records for Period _____;

____ Other (Specify) _____;

To be served by: SEPT. 8, 2016

C. For _____

to be served by _____;

4. **EXAMINATION
 BEFORE TRIAL:**

✓ Plaintiff

____ Defendant

✗ All Parties

A. To Be Held On OCT 5, 2016 at 11:00 A.M.

At BRONX REPORTING SERV. or unless otherwise
 agreed, the Bronx Supreme Court Building, Room 118.

Any EBT's not completed on said date will be continued

on DAY today

B. Limitations: _____

C. Post EBT demands to be served by BOTH parties w/in 30 day
 and must be responded to by w/in 30 day.

DEFENDANT
 TO BE
 DEPOSED
 ON NOV.
 3, 2016
 AT DEFENSE
 COUNSEL'S
 OFFICE
 AT 11 AM

NOTE:
**NO POSTPONEMENTS
 ARE PERMITTED
 WITHOUT COURT
 APPROVAL.**

**FAILURE TO COMPLY WITH THIS SCHEDULE WILL RESULT IN THE
 PRECLUSION OF THE OFFENDING PARTY OR WAIVER OF EBT BY NON-
 APPEARING PARTY, UNLESS OTHERWISE ORDERED BY THE COURT.**

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5. PHYSICAL EXAMINATION:

- ☒ A. Defendant to designate physician(s) in writing by NOV 7, 2016;
- ☒ B. Examination to be held by DEC 30, 2016;
- ☒ C. Copy of physician's report to be furnished within 30 days of examination.

- FAILURE TO TIMELY DESIGNATE WILL RESULT IN A WAIVER OF SUCH EXAMINATION, UNLESS OTHERWISE ORDERED BY THE COURT.
- FAILURE TO COMPLY WILL RESULT IN PLAINTIFF'S PRECLUSION FROM OFFERING ANY EVIDENCE AT TRIAL REGARDING THEIR PHYSICAL CONDITION, UNLESS OTHERWISE ORDERED BY THE COURT.

6. OTHER DISCLOSURE:

- ☐ A. None.
- ☐ B. All parties to exchange names and addresses of all witnesses opposing parties' statements and photographs. If none, an affirmation to that effect shall be exchanged by _____.

- ☒ C. Other: DEFENDANT TO SERVE SUPPLEMENTAL RESPONSE TO PLAINTIFFS' NOTICE TO PRODUCE WITHIN 30 DAYS, H. 2 (NUMBER OF STUDENTS IN CLASSROOM); WITH RESPECT TO #8, DEFENDANT TO ADVISE IF THERE ARE RECORDS OF INTERVIEW WITH INFANT PLAINTIFF
- To be served by _____;

and it is further

ORDERED that plaintiff _____ shall serve and file a Note of Issue and Certificate of Readiness on or before 2/15/17. The failure to file a Note of Issue as required by this order may subject the plaintiff to fines. Plaintiff may not file a Note of Issue unless all discovery due by plaintiff has been completed pursuant to this order. A party that files a Note of Issue where that party has not complied with this order may be subject to costs and/or sanctions; and it is further

ORDERED that failure to comply with the directives and schedule detailed herein will result in either a *waiver of the item requested* or *the preclusion of items or testimony of the offending party's evidence at the time of trial*, and/or *the imposition of costs and sanctions*, unless otherwise ordered by the Court.

DATED: 8/25/16ENTER: 785

ISSUED
LAURA G. DOUGLAS
Justice, Supreme Court

Revised 4/15/08

Compliance Conference Worksheet

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0025643/2015

Date: 8/25/2016

JAVIER, MARISOL

vs. HYDE LEADERSHIP CHARTER SCHOOL

IAS Justice: HON. LIZBETH GONZALEZ

Appearances:

Attorney Appearing at Conference

Attorney/Firm of Record

Plaintiff: ^(Print Name and Direct Phone #)
~~MARISOL JAVIER~~ EDWARD A. FRIE 914684-0333

JOSEPH A. MARIA, ESQ.

Defendant: Lucia Muleth (212) 233-1121

CORNELL GRACE, P.C.

Defendant: _____

Defendant: _____

Insurance:

Carrier: UC Policy Limits: 1 mil Name of Adjuster: _____ Excess: 3 mil

Existing Orders: _____ Yes ☒ No ☐ If yes, specify:
(For Disclosure, Other than PC Order, or Joint Trial/Consolidation)

Pending Motions: _____ Yes ☐ No ☒ If yes, specify nature and date submitted:

Liability Summary: lack of supervision, bullying incident

Damages Summary:

Demand: _____

Offer: _____

Identify Following Action Types Product Liability ☐ Labor Law ☐ Lead Paint ☐ Other Malpract ☐

For Court Use Only

Complexity: Standard Case Type: E-FILED OTHER TORTS

Disc Due Date: 1/10/2017 NOI Due Date: _____ NOI Filed on: _____ PC Held on: 2/25/2016

Other Comments:

Calendar Marking:

CCH
NOI 2/15/17